

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla

MOTION FOR APPROVAL OF FORM OF NOTICE
AND ORDERS TO SHOW CAUSE

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer, and pursuant to the April 21, 2010 *Scheduling and Procedural Order for the Determination of Priority Dates and Irrigation Water Requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System* (Doc. No. 9687), the States moves the Court to enter its order granting approval of the form of the notice and orders to show cause, and the form objection and response, attached hereto and described below, to be served on defendants with respect to the determination of priority dates and irrigation water requirements in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System:

Exhibit A: Notice and Order to Show Cause to be served on individual subfile defendants. The defendants' names, addresses and other defendant-specific information will be added to the individual notice and orders submitted to the Court.

Exhibit B: Notice and Order to Show Cause to be served on community ditches in the Rito de

Tierra Amarilla Subsection of Section 7. The names and addresses of the community ditches will be added to the individual notice and orders submitted to the Court.

Exhibit C: Notice and Order to Show Cause to be served on the United States of America.

Exhibit D: Notice and Order to Show Cause for publication.

Exhibit E: Form Objection and Response to Notice and Order to Show Cause.

Counsel for the United States of America, David W. Gehlert, and counsel for the Asociación de Acéquias Norteñas de Rio Arriba do not oppose the granting of this motion.

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting approval of the form of the notice and orders to show cause and the form objection and response attached hereto as Exhibits A through E.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of April, 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville

EDWARD G. NEWVILLE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla

Subfile No: XXXX

NOTICE AND ORDER TO SHOW CAUSE

To: [name or names]
[address]
[address]

Subfile No. [XXXX]

Ditch or Acequia: [XXXX]

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority date for any other community or private ditch in the Rito de Tierra Amarilla Subsection of Section 7 ("Tierra Amarilla Subsection"). The priority dates proposed for these ditches are:

DITCH

PRIORITY DATE

Ismael Ulibarri Ditch

1870

Ex. A

Sena Ditch	1870
Nutritas Ditch No. 1	1870
Unnamed Ditch No. 1	1870
Lujan Ditch	1870
Labrier Ditch	1870
Nutritas Ditch No. 2	1861
Tierra Amarilla Community Ditch	1861
Trujillo Ditch	1887
Manzanares Ditch	1887
Unnamed Ditch No. 2	1887
Briggs Ditch	1887

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other individual water rights holders file objections.

Irrigation Water Requirements:

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.05 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.63 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.38 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source

of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes those elements of your water rights and the water rights of other surface water users in the Tierra Amarilla Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Tierra Amarilla Subsection. Subsequent *inter se* proceedings in the Tierra Amarilla Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as stated above, you must file the form entitled Objection and Response to Notice and Order to Show Cause with the Court, in person or by mail **FOR RECEIPT NO LATER THAN JULY 31, 2010:**

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights in the Tierra Amarilla Subsection. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

or, John W. Utton
Attorney for Asociación de Acéquias
Norteñas de Rio Arriba
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rito de Tierra Amarilla

NOTICE AND ORDER TO SHOW CAUSE

To: [community ditch]
[address]
[address]

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority dates for any of the community or private ditches in the Rito de Tierra Amarilla Subsection of Section 3 ("Tierra Amarilla Subsection"), including the priority date of any individual irrigation water rights under those ditches, as described below:

DITCH	PRIORITY DATE
Ismael Ulibarri Ditch	1870
Sena Ditch	1870
Nutritas Ditch No. 1	1870
Unnamed Ditch No. 1	1870
Lujan Ditch	1870
Labrier Ditch	1870

Ex. B

Nutritas Ditch No. 2	1861
Tierra Amarilla Community Ditch	1861
Trujillo Ditch	1887
Manzanares Ditch	1887
Unnamed Ditch No. 2	1887
Briggs Ditch	1887

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other parties file objections.

Irrigation Water Requirements:

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.05 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.63 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.38 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project

Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Tierra Amarilla Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Tierra Amarilla Subsection, and subsequent *inter se* proceedings in the Tierra Amarilla Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as stated above, you must file a written objection with the Court. You must file your objection, if any, with the Federal District Court by **July 31, 2010**.

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and

pretrial conference, where you will learn how objections will be heard by the Court.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

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Defendants.

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RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla

NOTICE AND ORDER TO SHOW CAUSE

To: United States of America
David W. Gehlert, Esq.
United States Department of Justice
Environmental and Natural Resources Section
1961 Stout Street, Floor 8
Denver, CO 80294

Priority Dates:

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority dates for any of the community or private ditches in the Rito de Tierra Amarilla Subsection of Section 7 ("Tierra Amarilla Subsection"), including the priority date of any individual irrigation water rights under those ditches, as described below:

DITCH	PRIORITY DATE
Ismael Ulibarri Ditch	1870
Sena Ditch	1870
Nutritas Ditch No. 1	1870

Ex. C

Unnamed Ditch No. 1	1870
Lujan Ditch	1870
Labrier Ditch	1870
Nutritas Ditch No. 2	1861
Tierra Amarilla Community Ditch	1861
Trujillo Ditch	1887
Manzanares Ditch	1887
Unnamed Ditch No. 2	1887
Briggs Ditch	1887

These priority dates described above will apply to all individual irrigation water rights served by the ditches listed, unless you or other parties file objections.

Irrigation Water Requirements:

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.05 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.63 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.38 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the

consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons, you will be notified of the objections and may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Tierra Amarilla Subsection as described above. If you disagree, you must follow the instructions below.

In the absence of any objections, you will have no other opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Tierra Amarilla Subsection, and subsequent *inter se* proceedings in the Tierra Amarilla Subsection will not include the opportunity to object to those determinations.

Notwithstanding the above, the United States shall have no obligation to raise an objection to the determination of priority dates and irrigation water requirements described above in its capacity as trustee for the benefit of Ohkay Owingeh (Pueblo of San Juan) or any other Indian nation. Any such objection may be raised during stream system wide *inter se* proceedings or other applicable *inter se* proceedings as may be ordered by the Court.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated

above, or to the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as stated above, you must file a written objection with the Court. You must file your objection, if any, with the Federal District Court by **July 31, 2010**. If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court.

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

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RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE THE SURFACE OR UNDERGROUND WATERS OF THE RITO DE TIERRA AMARILLA SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE WATER FOR IRRIGATION PURPOSES IN THE RITO DE TIERRA AMARILLA SUBSECTION OF SECTION 7 OF THE RIO CHAMA STREAM SYSTEM AND WHOSE NAMES APPEAR BELOW:

<u>DEFENDANT</u>	<u>ACEQUIA OR DITCH</u>	<u>PRIORITY</u>
Adan Garcia Jr.	Ismael Ulibarri Ditch	1870
Armando Garcia	Ismael Ulibarri Ditch	1870
Donna Garcia	Ismael Ulibarri Ditch	1870
Joan Garcia	Ismael Ulibarri Ditch	1870
Leroy Garcia	Ismael Ulibarri Ditch	1870
Miguel Martinez	Ismael Ulibarri Ditch	1870
Pamela Manzanares	Ismael Ulibarri Ditch	1870
Samuel Garcia	Ismael Ulibarri Ditch	1870
Viola Chavez	Ismael Ulibarri Ditch	1870
Agripina G. Salazar	Sena Ditch	1870
Benjamin R. Trujillo	Sena Ditch	1870
Frank C. Sena	Sena Ditch	1870

Ex. D

John M. Sena	Sena Ditch	1870
Victor Salazar Sr.	Sena Ditch	1870
Agripina G. Salazar	Nutritas Ditch No. 1	1870
Frank C. Sena	Nutritas Ditch No. 1	1870
John M. Sena	Nutritas Ditch No. 1	1870
Victor Salazar Sr.	Nutritas Ditch No. 1	1870
Frank C. Sena	Unnamed Ditch No. 1	1870
John M. Sena	Unnamed Ditch No. 1	1870
Acencion Labrier	Lujan Ditch	1870
Ellis Gordon Schlegel	Lujan Ditch	1870
Acencion Labrier	Labrier Ditch	1870
Heirs of Carlota L. Martinez	Labrier Ditch	1870
Heirs of Levi Martinez	Labrier Ditch	1870
Heirs of Lucas Martinez	Labrier Ditch	1870
Emilie Luna Anthony	Nutritas Ditch No. 2	1861
Estate of Esther Bruno	Nutritas Ditch No. 2	1861
Estate of Olivia Carmody	Nutritas Ditch No. 2	1861
Frank D. Luna IV	Nutritas Ditch No. 2	1861
Gilbert Luna Sr.	Nutritas Ditch No. 2	1861
Hilario Luna	Nutritas Ditch No. 2	1861
Marcella Hasson	Nutritas Ditch No. 2	1861
Salomon A. Luna	Nutritas Ditch No. 2	1861
Archdiocese of Santa Fe	Tierra Amarilla Community Ditch	1861
Colomex Oil and Gas Co., Inc.	Tierra Amarilla Community Ditch	1861
La Clinica Foundation	Tierra Amarilla Community Ditch	1861
Rio Arriba County	Tierra Amarilla Community Ditch	1861
Agripina G. Salazar	Tierra Amarilla Community Ditch	1861
Alajandro Chavez	Tierra Amarilla Community Ditch	1861
Alex Flores	Tierra Amarilla Community Ditch	1861
Amabel Ulibarri	Tierra Amarilla Community Ditch	1861
Amada R. Flores	Tierra Amarilla Community Ditch	1861
Andrew Romero	Tierra Amarilla Community Ditch	1861
Angelina Sanchez	Tierra Amarilla Community Ditch	1861
Angie Garcia	Tierra Amarilla Community Ditch	1861
Anna Atencio Ferrell	Tierra Amarilla Community Ditch	1861
Antonio Luis Abeyta	Tierra Amarilla Community Ditch	1861
Art Espinosa	Tierra Amarilla Community Ditch	1861

Benjamin R. Trujillo	Tierra Amarilla Community Ditch	1861
Berthina Romero	Tierra Amarilla Community Ditch	1861
Brent C. Mortensen	Tierra Amarilla Community Ditch	1861
Carmelita Chacon	Tierra Amarilla Community Ditch	1861
Carmella Atencio Varos	Tierra Amarilla Community Ditch	1861
Cecilia Campos	Tierra Amarilla Community Ditch	1861
Celia S. Ulibarri	Tierra Amarilla Community Ditch	1861
Chama Valley Ind. Sch. Dist. No. 19	Tierra Amarilla Community Ditch	1861
Deborah Ulibarri	Tierra Amarilla Community Ditch	1861
Dolores Rena Romero	Tierra Amarilla Community Ditch	1861
Dolores Romero	Tierra Amarilla Community Ditch	1861
Dolores Valdez	Tierra Amarilla Community Ditch	1861
Domie Ulibarri	Tierra Amarilla Community Ditch	1861
Doris Trujillo	Tierra Amarilla Community Ditch	1861
Edna Ulibarri	Tierra Amarilla Community Ditch	1861
Eliseo M. Valdez	Tierra Amarilla Community Ditch	1861
Eloy Sanchez	Tierra Amarilla Community Ditch	1861
Epimenio Ulibarri	Tierra Amarilla Community Ditch	1861
Eric Willard	Tierra Amarilla Community Ditch	1861
Erlinda Trujillo	Tierra Amarilla Community Ditch	1861
Ernesto L. Ulibarri Jr.	Tierra Amarilla Community Ditch	1861
Ernesto Salazar	Tierra Amarilla Community Ditch	1861
Estate of Maria Casias	Tierra Amarilla Community Ditch	1861
Estate of Manuelita U. Abeyta	Tierra Amarilla Community Ditch	1861
Estate of Octaviano Ulibarri	Tierra Amarilla Community Ditch	1861
Esther H. Salazar	Tierra Amarilla Community Ditch	1861
Eva R. Vigil	Tierra Amarilla Community Ditch	1861
Faustina Espinosa	Tierra Amarilla Community Ditch	1861
Feliberto Ulibarri	Tierra Amarilla Community Ditch	1861
Felipe C. Atencio	Tierra Amarilla Community Ditch	1861
Frances Castellano	Tierra Amarilla Community Ditch	1861
Gail Garcia	Tierra Amarilla Community Ditch	1861
Gustavo Martinez Jr.	Tierra Amarilla Community Ditch	1861
Harry O. Martinez	Tierra Amarilla Community Ditch	1861
Helen Moore	Tierra Amarilla Community Ditch	1861
Henry Ulibarri	Tierra Amarilla Community Ditch	1861
Hope U. Martinez	Tierra Amarilla Community Ditch	1861
Hortencia Martinez	Tierra Amarilla Community Ditch	1861
Ivan C. Corrales	Tierra Amarilla Community Ditch	1861
J.R. Martinez Estate	Tierra Amarilla Community Ditch	1861
Jaime Trujillo	Tierra Amarilla Community Ditch	1861
James R. Dawson	Tierra Amarilla Community Ditch	1861
Joann C. Martinez	Tierra Amarilla Community Ditch	1861

Joe E. Silva	Tierra Amarilla Community Ditch	1861
Jose Avalos	Tierra Amarilla Community Ditch	1861
Jose L. Martinez	Tierra Amarilla Community Ditch	1861
Jose P. Gallegos	Tierra Amarilla Community Ditch	1861
Josefita Trujillo	Tierra Amarilla Community Ditch	1861
Joseph Valdez	Tierra Amarilla Community Ditch	1861
Josephine Valdez	Tierra Amarilla Community Ditch	1861
Josie Sanchez Dubois	Tierra Amarilla Community Ditch	1861
Juan A. Romero	Tierra Amarilla Community Ditch	1861
Juan I. Martinez	Tierra Amarilla Community Ditch	1861
Juanita Atencio	Tierra Amarilla Community Ditch	1861
Juanita M. Eturriaga	Tierra Amarilla Community Ditch	1861
Julia Ulibarri	Tierra Amarilla Community Ditch	1861
Justiniano Valdez	Tierra Amarilla Community Ditch	1861
Kelly Ward	Tierra Amarilla Community Ditch	1861
Kim Montano	Tierra Amarilla Community Ditch	1861
Lawrence Castellano	Tierra Amarilla Community Ditch	1861
Leo E. Rodela	Tierra Amarilla Community Ditch	1861
Leroy G. Garcia	Tierra Amarilla Community Ditch	1861
Lionel E. Martinez II	Tierra Amarilla Community Ditch	1861
Louis Trujillo	Tierra Amarilla Community Ditch	1861
Lucille A. Trujillo	Tierra Amarilla Community Ditch	1861
Mable Ulibarri	Tierra Amarilla Community Ditch	1861
Magdalene Sanchez	Tierra Amarilla Community Ditch	1861
Manuel D. Trujillo	Tierra Amarilla Community Ditch	1861
Manuel E. Corrales	Tierra Amarilla Community Ditch	1861
Marcella D. Burbank Trujillo	Tierra Amarilla Community Ditch	1861
Marcella T. Corrales	Tierra Amarilla Community Ditch	1861
Marcella Ulibarri	Tierra Amarilla Community Ditch	1861
Margaret A. Martinez	Tierra Amarilla Community Ditch	1861
Margaret Rodela	Tierra Amarilla Community Ditch	1861
Margie E. Atencio	Tierra Amarilla Community Ditch	1861
Mariella Avalos	Tierra Amarilla Community Ditch	1861
Mario R. Martinez	Tierra Amarilla Community Ditch	1861
Mark L. Montano	Tierra Amarilla Community Ditch	1861
Mark Noel Rowe	Tierra Amarilla Community Ditch	1861
Martin Romero	Tierra Amarilla Community Ditch	1861
Mary Esther Lucero	Tierra Amarilla Community Ditch	1861
Melvin Montano	Tierra Amarilla Community Ditch	1861
Michael S. Garcia	Tierra Amarilla Community Ditch	1861
Nancy R. Romero	Tierra Amarilla Community Ditch	1861
Orlando J. Martinez	Tierra Amarilla Community Ditch	1861
Pablo Martinez	Tierra Amarilla Community Ditch	1861

Patricia A. Alvarado	Tierra Amarilla Community Ditch	1861
Patrick Samora	Tierra Amarilla Community Ditch	1861
Paul Trachtman	Tierra Amarilla Community Ditch	1861
Rachel Valdez	Tierra Amarilla Community Ditch	1861
Ramon E. Sanchez	Tierra Amarilla Community Ditch	1861
Renee Romero Samora	Tierra Amarilla Community Ditch	1861
Reynel O. Lucero	Tierra Amarilla Community Ditch	1861
Richard Atencio	Tierra Amarilla Community Ditch	1861
Robert D. Romero	Tierra Amarilla Community Ditch	1861
Roberto Lovato	Tierra Amarilla Community Ditch	1861
Roberto Romero	Tierra Amarilla Community Ditch	1861
Roman Romero	Tierra Amarilla Community Ditch	1861
Ronald J. Demasters	Tierra Amarilla Community Ditch	1861
Rose M. Romero	Tierra Amarilla Community Ditch	1861
Rosina L. Phillips	Tierra Amarilla Community Ditch	1861
Salomon A. Luna	Tierra Amarilla Community Ditch	1861
Shaun Ward	Tierra Amarilla Community Ditch	1861
Silviano A. Atencio	Tierra Amarilla Community Ditch	1861
Simonita U. Trujillo	Tierra Amarilla Community Ditch	1861
Sixto L. Espinosa	Tierra Amarilla Community Ditch	1861
Sophia D. Martinez	Tierra Amarilla Community Ditch	1861
Stella U. Garcia	Tierra Amarilla Community Ditch	1861
Teodoro D. Ulibarri	Tierra Amarilla Community Ditch	1861
Theresa M. Rael	Tierra Amarilla Community Ditch	1861
Tito Garcia	Tierra Amarilla Community Ditch	1861
Tom R. Lucero	Tierra Amarilla Community Ditch	1861
Tommy Campos III	Tierra Amarilla Community Ditch	1861
Tony Casados Sr. & Sons, Prtn.	Tierra Amarilla Community Ditch	1861
Tracy T. Howell	Tierra Amarilla Community Ditch	1861
Veronica Romero De Chavez	Tierra Amarilla Community Ditch	1861
Vicente Montano	Tierra Amarilla Community Ditch	1861
Vicki Silva	Tierra Amarilla Community Ditch	1861
Victor Salazar Sr.	Tierra Amarilla Community Ditch	1861
Virginia Martinez	Tierra Amarilla Community Ditch	1861
Virginia McDermott	Tierra Amarilla Community Ditch	1861
Miguel Trujillo	Trujillo Ditch	1887
Mariano S. Manzanares	Manzanares Ditch	1887
Mary L. Manzanares	Manzanares Ditch	1887
Ruben Manzanares	Manzanares Ditch	1887
Mariano S. Manzanares	Unnamed Ditch No. 2	1887

Mary L. Manzanares	Unnamed Ditch No. 2	1887
Miguel Trujillo	Unnamed Ditch No. 2	1887
Ruben Manzanares	Unnamed Ditch No. 2	1887
Charles Dove	Briggs Ditch	1887
Jamie Sams	Briggs Ditch	1887
Louella Dove	Briggs Ditch	1887

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System ("Tierra Amarilla Subsection") as described above.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.05 acre-feet per acre per annum.
- b. The farm delivery requirement (FDR) is 2.63 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.38 acre-feet per acre per annum.

The term "Consumptive Irrigation Requirement" ("CIR") refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term "Farm Delivery Requirement" ("FDR") refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The "Project Diversion Requirement" ("PDR") or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Tierra Amarilla Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Tierra Amarilla Subsection. Subsequent *inter se* proceedings in the Tierra Amarilla Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Tierra Amarilla Subsection as stated above, you must file your objection with the Court, in person or by mail **FOR RECEIPT NO LATER THAN July 31, 2010:**

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

or,

John W. Utton

Attorney for Asociación de Acéquias Norteñas de Rio Arriba

Sheehan, Sheehan & Stelzner PA

P.O. Box 271

Albuquerque, NM 87103-0271

(505) 699-1445 telephone

(505) 842-8890 facsimile

BRUCE D. BLACK

UNITED STATES DISTRICT JUDGE

Approved:

VICKIE L. GABIN

SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 7, Rito de Tierra Amarilla

OBJECTION AND RESPONSE TO NOTICE AND ORDER TO SHOW CAUSE

I have been served with the Notice and Order to Show Cause concerning the determination of priorities and irrigation water requirements in the adjudication of the Rito de Tierra Amarilla Subsection of Section 7 of the Rio Chama Stream System . I object to (check all that apply):

_____ The priority date proposed for my water right.

_____ The priority date proposed for any other water right.

Please describe this water right or ditch _____

_____ The irrigation water requirements proposed for water rights in the Tierra Amarilla Subsection.

I understand that I will be notified of a mandatory scheduling and pretrial conference.

PLEASE PRINT CLEARLY:

FULL NAME(s): _____ Subfile No. _____

MAILING ADDRESS: _____

TELEPHONE NO.: _____

SIGNED: _____ DATE: _____

MAIL OR DELIVER FOR RECEIPT NO LATER THAN JULY 31, 2010 TO:

United States District Court
106 South Federal Place
Santa Fe, NM 87501

Ex. E